



DUSA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8667

UNITED STATES OF AMERICA,

Plaintiff,

v.

Peninna RAMIREZ

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 20, 2008, within the Southern District of California, defendant Peninna RAMIREZ did knowingly and intentionally import approximately 21.82 kilograms (48.00 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd
DAY OF JULY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.

3 Peninna RAMIREZ

4 STATEMENT OF FACTS

5 This complaint is based on the reports, documents, notes
6 furnished to, and interviews conducted by U. S. Immigration and
7 Customs Enforcement Special Agent Daryl Christensen.

8 On July 20 2008, at approximately 1615 hours, Peninna
9 RAMIREZ entered into the United States at the Calexico,
10 California, West Port of Entry, from the Republic of Mexico.
11 RAMIREZ, the driver and registered owner of a 2004 Dodge Durango
12 bearing California license 5XVJ496. RAMIREZ was accompanied by
13 Alma Delia GUTIERREZ-Lopez.

14 At primary inspection, both RAMIREZ and GUTIERREZ gave
15 negative Customs declarations to Customs and Border Protection
16 Officer (CBPO) J. Burgueno. At primary inspection, RAMIREZ
17 claimed she owned the vehicle for three or four months and she
18 was coming from a wedding in Mexicali, Mexico.

19 During the primary inspection, CBPO Burgueno observed the
20 headliner appeared to be lower than normal in relationship to the
21 roof of the vehicle. CBPO Burgueno placed one hand on the
22 exterior roof and one hand on the headliner and noted that it was
23 abnormally thick. CBPO Burgueno then escorted the vehicle to
24 secondary inspection.

25 As secondary inspection, CBPO A. Garcia utilized his
26 Narcotic Detector Dog, which resulted in an alert to the roof of
27 the vehicle.
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1 Subsequent search of the vehicle confirmed the presence of a
2 fabricated compartment in the roof of the vehicle. A DVD video
3 screen was removed from the headliner of the vehicle, revealing
4 packages contained within the fabricated compartment. One of the
5 packages was probed, producing a white powdery substance, which
6 field-tested positive for cocaine. A total of twenty (20)
7 packages were recovered from the non-factory, fabricated
8 compartment. The twenty packages of cocaine had a total weight
9 of 21.82 kilograms (48.00 pounds).

10 RAMIREZ was advised of her rights per Miranda, which she
11 acknowledged and waived. RAMIREZ admitted that she had entered
12 into an agreement to smuggle drugs into the United States from
13 Mexico and that the vehicle had been registered in her name for
14 that purpose. RAMIREZ further stated that she did not know that
15 the vehicle was loaded when she entered the United States, but
16 that she was supposed to cross the vehicle again in a few days
17 and drive it to Los Angeles for an expected payment of \$2000.
18 RAMIREZ stated that her passenger, GUTIERREZ, was not aware of
19 any smuggling arrangements and was only riding with her to
20 Calexico.
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22 GUTIERREZ was advised of her rights per Miranda, which she
23 acknowledged and waived. GUTIERREZ denied knowledge of the
24 contraband or any expected payment for crossing the drugs.
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